

EXHIBIT E

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KOBAY SWAFFORD,)
Plaintiff,) CIVIL ACTION NO.
v.) 1:24-CV-10509-PBS
)
RENTGROW, INC.; CLEARA, LLC, and)
DOES 1-10 INCLUSIVE,)
Defendants.)

Videoconference Deposition of MICHIGAN STATE POLICE

By KATRINA GARRETT

Dimondale, Michigan

Thursday, March 13, 2025

12:00 p.m.

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Reported by: Kay Trigilio

1 Q. Could you explain what ICHAT is?

2 A. ICHAT is our Internet Criminal History
3 Access Tool. It is a public facing application that
4 disseminates public criminal history information from
5 our central repository.

6 Q. Okay. That's -- just to be clear, ICHAT is
7 an acronym for Internet Criminal History Access Tool?

8 A. Yes.

9 Q. Is there a cost to conduct searches through
10 ICHAT?

11 A. Yes.

12 Q. Do you know what that cost is?

13 A. \$10.

14 Q. And what is the purpose of ICHAT?

15 A. For public criminal history information for
16 individuals to obtain background checks.

17 Q. Okay. And you mentioned a central
18 repository that the information is derived from; is
19 that correct?

20 A. Yes.

21 Q. Can you describe a little bit about what
22 that central repository is?

23 A. Yes. We, in the State of Michigan, are a
24 fingerprint-based state. Our criminal history process
25 starts from an arrest, and that comes from a

1 fingerprint. That fingerprint is captured. That
2 arrest information is also captured in the repository.
3 Any charging information from county prosecutors may
4 also be submitted to our repository, and court final
5 dispositions are also submitted to our repository.

6 Q. Okay, thank you. When you say court final
7 dispositions, is that trial courts or appellate courts
8 or both?

9 A. It would include juvenile courts and
10 district and circuit courts, the trial courts.

11 Q. Okay. Are there any other agencies that
12 would provide final disposition information?

13 A. No.

14 Q. Generally speaking, what's the process for
15 updating that central repository?

16 A. For updating the central repository, it has
17 to come from the originating agency, so only the
18 originating agency has the authority to update a
19 record. That would be electronically or a paper
20 disposition mailed to my office.

21 Q. In the case of an electronic update, as you
22 mentioned, is that something that would automatically
23 update in the repository, or is there somebody at
24 Michigan State Police that maybe processes those?

25 A. The court, the responsible court would be

1 the one to electronically update the record within our
2 system.

3 Q. Is there a different process if it's
4 received by paper, as you mentioned?

5 A. Yes.

6 Q. What would that process be?

7 A. The final disposition is mailed to us, and
8 then an employee that works within the section, within
9 the criminal history section, would manually update
10 the record.

11 Q. So when you're referring to a final
12 disposition, would that include if there was a change
13 of disposition after an appeal in a case?

14 A. Yes, if something changed.

15 Q. So, for instance, if there is a conviction
16 in a trial court, it's appealed and then the
17 conviction is reversed or vacated by the appellate
18 court, that's considered a final disposition?

19 A. Yes.

20 Q. And I believe you testified to this
21 earlier, but just to clarify, it's the trial court,
22 then, that is responsible for updating the final
23 disposition in that event?

24 A. Yes.

25 Q. Okay. Now, does the Michigan State Police,

1 to the extent it has control of this process, does it
2 strive to ensure that the records accessible through
3 this system are accurate?

4 A. Yes.

5 Q. If you could just go ahead and describe
6 what processes are in place that would promote the
7 accuracy of the results available for ICHAT.

8 A. The results available through ICHAT, again,
9 are coming directly from our central repository. As
10 far as the court reporting the final disposition,
11 there is a designated number called a Michigan ORI
12 assigned to that court, so the responsible court would
13 have the authority to electronically update the record
14 and only the responsible court would have that
15 authority.

16 Q. Okay. Do you know if the State of Michigan
17 has laws that address the information that courts must
18 report for inclusion in this database?

19 A. Yes.

20 Q. I'm going to show you another document
21 here, and this is -- I'll represent to you this is a
22 printout from an online legal database for a law that
23 is Michigan Compiled Laws, Section 769.16a. Do you
24 have any knowledge whether this is a law that relates
25 to the reporting of information by courts?

1 the repository. And the judicial segment shows the
2 judicial information, the last known judicial
3 information reported by third circuit court.

4 Q. Okay. And when we were talking about final
5 dispositions earlier, where would that be reflected in
6 these results?

7 A. Under CNT-4, which stands for count 4, it
8 shows the Michigan Compiled Law. Under DISP, which
9 stands for disposition, it shows found guilty. For
10 CNT-5, count 5, it shows the Michigan Compiled Law,
11 DISP, disposition, found guilty. And for CNT-6, count
12 6, it shows the Michigan Compiled Law, and for
13 disposition that also shows found guilty.

14 Q. Okay. And so to be clear, this means that
15 as of the date of this search, the final disposition
16 that was reflected in the central repository from
17 which these records were drawn reflected a disposition
18 of found guilty for each of count 4, count 5 and count
19 6 in this case, is that correct? I'm sorry; could you
20 repeat? I think I spoke over you.

21 A. Yes.

22 Q. Thank you. And based on the processes and
23 the requirements that we discussed earlier, if there
24 had been a subsequent disposition after an appeal of
25 this conviction, would the court, the underlying

1 court, ordinarily have been required to report that to
2 the Michigan State Police?

3 A. Yes.

4 Q. And if that had been reported by the court,
5 would the Michigan State Police have then updated the
6 central repository with that final disposition?

7 A. Yes.

8 Q. And if so, where would that have been
9 reflected on these results?

10 A. It would depend on what the outcome of the
11 case was.

12 Q. Okay.

13 A. Again, only public information.

14 Q. If the outcome of the appeal had been to
15 entirely vacate the conviction, what would be changed
16 on this result?

17 A. If the court had reported any change that
18 led to the case being vacated, the counts being
19 dismissed, this would no longer be a result in ICHAT.
20 Dismissed cases are not public.

21 Q. Okay. So in other words, if the
22 information provided in the segment above the name of
23 the defendant had been searched on November 12 and
24 that system had been updated with a subsequent final
25 disposition from appeal, there simply would have been

1 no results returned?

2 A. For this particular case.

3 Q. Okay, thank you. I appreciate that
4 clarification.

5 MR. DiPASQUALE: And I believe that's all
6 the questions that I'm going to ask. I would ask for
7 maybe if we could take a short five-minute break so I
8 can look over my outline and see if there's anything
9 further, but I'm pretty sure I'm finished up. Does
10 that sound fair?

11 MR. FOK: I'm okay with you.

12 MR. JAMISON: Devin, are you going to have
13 any questions?

14 MR. FOK: Yeah, I'm going to have a couple,
15 not a lot.

16 MR. DiPASQUALE: Let's take a break and
17 come back, so I'll say 12:30. Is that -- I'm on
18 Eastern. We'll come back at the 30-minute mark.

19 MR. JAMISON: Sounds good.

20 (Off the record.)

21 MR. DiPASQUALE: I have no further
22 questions. Thank you, Ms. Garrett, for your time
23 today. I do appreciate it. Mr. Fok may have some
24 questions for you, and if I have any follow-up
25 questions, I'll let you know, but otherwise I do